HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 342 of 2006 (SS)

Dayal Singh son of Sri Roop Singh
Village Khaspad, Quairali, Patti Malla- Lakhanpur,
District Almora ..... Petitioner

Versus

Superintendent of Post Offices, Almora
The Chief P.M.G. Uttaranchal, Dehradun
Union of India ..... Respondents

Sri P.S, Bisht, Advocate for the petitioner

Standing Counsel of Central Govt. for the respondents.

Dated: 9.3.2006

Hon'ble Rajesh Tandon J.

Heard Sri P.S, Bisht counsel for the petitioner and Standing Counsel for the Central Government.

By the present writ petition, the petitioner has prayed for a writ of mandamus directing the respondents to appoint the petitioner on compassionate ground.

Briefly stated according to the petitioner his father served in the Indian Postal Service at Post Office Panuwanaula for 22 years as a Chowkidar till his death on 8.3.1993. The petitioner has submitted that his father was given temporary status on 29.11.1989. The petitioner made representations to the respondents on 19.2.1994 and 24.8.1993 for compassionate appointment but the respondents have not paid any heed to the request of the petitioner.

Since the father of the petitioner expired in the year 1993, therefore, it is not possible to look into the financial condition of the petitioner at this belated stage in view of the law laid down by the Apex Court in State of Manipur vs. M.D.Rajaodin, 2003 AIR SCW 4339. It has been observed by the Apex court as under:

"*When case of the respondent is considered in the panorama of aforesaid legal principles, the inevitable conclusion is that he was not entitled for appointment. Even after 1984 scheme case into force, the application was filed after a long lapse of time.*"

In view of above, no relief can be granted to the petitioner. However, the petitioner may approach the authority concerned for regular appointment and if he is satisfied he may give appointment on compassionate ground to the petitioner.

Subject to the aforesaid observations, the writ petition is dismissed. No order as to costs.

Dated: 9.3.2006 **Rajesh Tandon J.**

*Dhyani